

IN THE HIGH COURT OF SINDH AT KARACHICr. Bail Appln. No. **3273** of 2025.

Applicant : Ghulam Mustafa through Mr. Liaquat Ali Khan, Advocate.

Complainant : Mst. Noreen Bibi through Mr. Abrar ul Malik, Advocate.

Respondent : The State through Mr. Mumtaz Ali Shah, A.P.G. Sindh

Date of hearing : 03.03.2026.

Date of order : 11.3.2026.

ORDER

TASNEEM SULTANA-J:-Through the instant application, the applicant Ghulam Mustafa seeks post-arrest bail in FIR No.468 of 2025 registered under Sections 496-A r/w 376 P.P.C at Police Station Defence, Karachi South. Having been declined his earlier post-arrest bail application No.4143 of 2025 by the learned Additional Sessions Judge/Special Judge (ARITA-2021), Karachi South vide order dated 13-11-2025, hence, this application for the same concession.

2. Brief facts of the prosecution case, are that the complainant Noreen Bibi reported that on 24.01.2024 the Nikah of her daughter Asma with Muhammad Amir Shah was solemnized at Bahawalpur but rukhsati had not taken place and thereafter the daughter returned to Karachi with her; that on 19.06.2025 at about 01:00 p.m., while the complainant was sleeping in the house, her daughter left the house and did not return; that despite search she could not be traced; and that the complainant suspected Ajay son of Mukhtiar and his unknown accomplices of having kidnapped her daughter, therefore legal action be taken.

3. Learned counsel for the applicant assisted by learned counsel for complainant contended that the applicant is innocent and has been falsely implicated in the present case; that the applicant is not nominated in the FIR and his involvement surfaced subsequently during investigation; that neither the FIR nor the earlier statements assign any specific role to the present applicant; that even in the subsequent statements the allegations appear to be general in nature without attribution of any distinct act to the applicant; and that the prosecution case against the applicant thus requires further inquiry within the meaning of Section 497(2) Cr.P.C. Learned counsel therefore prayed for grant of bail to the applicant.

4. Conversely, learned D.P.G assisted by learned counsel for the complainant opposed the grant of bail and submitted that the abductee in her statement recorded under Section 164 Cr.P.C has levelled allegations against the accused persons including the present applicant and that the applicant therefore does not deserve the concession of bail.

5. Heard. Record perused.

6. A tentative assessment of the record reflects that the applicant is not nominated in the FIR and his involvement appears to have surfaced subsequently during the course of investigation. The allegation against the present applicant primarily emanates from the statement of the abductee recorded under Section 164 Cr.P.C., wherein she has alleged the involvement of the accused persons including the present applicant by stating that he was also involved along with the other accused persons. However, the narration contained therein attributes the act in a collective manner without assigning any specific or distinct role to the present applicant. Apart from the above statement, the investigation record does not presently disclose any independent corroborative material connecting the applicant with the occurrence. In these circumstances, the question whether the applicant had any specific participation in the offence or his implication has been made generally along with other accused persons is a matter which requires deeper examination during trial. Prima facie, therefore, the case of the applicant calls for further inquiry within the meaning of Section 497(2) Cr.P.C., and at this stage no deeper appreciation of evidence is warranted.

7. In view of the above, the applicant Ghulam Mustafa is admitted to bail subject to furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Hundred Thousand only) and P.R bond in the like amount to the satisfaction of the learned trial Court.

The observations made herein are tentative in nature and shall not influence the learned trial Court while deciding the case strictly in accordance with law.

JUDGE